

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

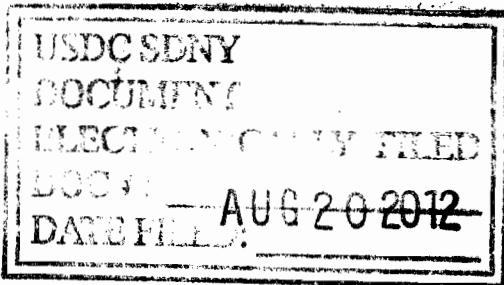
Barnes & Noble, Inc. and
barnesandnoble.com llc,

Plaintiffs,

-against-

Alcatel-Lucent USA Inc.,

Defendant.



Civil Action No.: 1:10-cv-05759-GBD

ECF Case

**STIPULATION AND ORDER DISMISSING ALL CLAIMS AND DEFENSES
RELATED TO U.S. PATENT NO. 6,157,707**

WHEREAS Barnes & Noble, Inc. and barnesandnoble.com llc ("Barnes & Noble") sought a declaration of noninfringement and invalidity of Alcatel-Lucent USA Inc.'s ("Alcatel-Lucent USA") U.S. Patent No. 6,157,707 ("the '707 patent") in Counts XIII and XIV of its Complaint;

WHEREAS Alcatel-Lucent USA asserted a counterclaim for infringement of the '707 patent in Count VI of its Answer and Counterclaim to Barnes & Noble's Complaint;

WHEREAS Barnes & Noble has agreed to dismiss with prejudice its cause of action related to infringement of the '707 patent, as set forth in Count XIII of its Complaint;

WHEREAS Barnes & Noble has agreed to dismiss without prejudice its cause of action related to the validity of the '707 patent, as set forth in Count XIV of its Complaint;

WHEREAS Alcatel-Lucent USA has agreed to dismiss with prejudice its counterclaim related to infringement of the '707 patent, as set forth in Count VI of its Answer and Counterclaim;

WHEREAS the parties have agreed to each bear their own costs;

IT IS HEREBY STIPULATED that:

1. Count XIII of Barnes & Noble's Complaint shall be dismissed with prejudice;
2. Count XIV of Barnes & Noble's Complaint shall be dismissed without prejudice;
3. Count VI of Alcatel-Lucent USA's Counterclaim shall be dismissed with prejudice;
4. Each party shall bear its own costs.

Dated: August 10, 2012

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Dated: August 16, 2012

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Counter-Counterclaim Defendant
Alcatel-Lucent USA, Inc.

SO ORDERED:

Dated: August 20, 2012

George B. Daniels
Hon. George B. Daniels
United States District Judge

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